

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-20 are pending in the application, with claims 1 and 10 being the independent claims. Claims 15-20 have been withdrawn from consideration. Claims 1 and 10 have been amended by this paper. The amendments to the claims introduce no new matter. Support for the amendments can be found, for example, on: page 9, paragraph 0031, lines 5 and 9; page 10, paragraph 0033, line 3; and page 11, paragraph 0038, line 2. Entry of the amendments to the claims is believed to be proper and is, therefore, respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider and withdraw all outstanding rejections.

Description of the Invention

The present invention is a self-cleaning apparatus for transferring, collecting and disposing of waste material. The apparatus has specific utility in the medical and surgical fields (to transfer, collect and dispose of biological fluids and waste), but can also be employed to transfer, collect and dispose of any material or product. The transfer, collection and disposal apparatus of the present invention differs from those in the prior art, in that it comprises a single unit, which efficiently cleans all components of the apparatus in a single step.

The apparatus comprises a material transfer hose, a material collection chamber, a vacuum source for drawing material into the material collection chamber, an optional

pump for emptying the material collection chamber, and a cleaning fluid chamber that receives the material transfer hose, to draw cleaning fluid into the material transfer hose to clean the hose, material collection chamber and remaining components of the apparatus. Because Applicant's apparatus comprises few parts, self-cleans, avoids the need for material collection bags, and requires no re-configuration or disassembly to dispose of material or to clean the apparatus, it effectively reduces user contact with the material, decreasing the risk of possible contamination of the surrounding area or surgical environment.

Rejection under 35 U.S.C. § 102

The Examiner has rejected independent claim 1 under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent No. 6,652,495 to Walker ("the Walker patent"). According to the Examiner, the Walker patent discloses a system for disposing of body fluids collected during surgery comprising a canister and an apparatus for emptying and cleansing the canister (column 2, lines 59-66), comprising a waste material collection chamber inlet (inlet port 116) in communication with an outlet of a waste material transfer hose (inlet tube 120) and a collection chamber outlet (nipple 104), a vacuum source (vacuum port 102) connected to the collection chamber (canister 70); and a cleaning fluid chamber inlet (inlet port 28) for receiving the transfer hose inlet so the cleaning fluid is drawn through the transfer hose and the collection chamber by a vacuum source to clean both the hose and the chamber. *See* Office Action, p. 1, ¶ 2. Applicant respectfully disagrees with the rejection for the reasons set forth below.

Independent claim 1 as now pending recites a self-cleaning apparatus for transferring, collecting, and disposing of waste material from a patient, comprising:

a flexible waste material transfer hose having a length for transferring waste material from the patient to the apparatus, an inlet at a first end of the hose, and an outlet at a second end of the hose;

a waste material collection chamber having a collection chamber inlet in communication with the outlet of the waste material transfer hose, a collection chamber outlet, and a vacuum source opening;

a vacuum source connected to the waste material collection chamber at the vacuum source opening by a vacuum line; and

a cleaning fluid chamber positioned proximate to the waste material transfer hose and the waste material collection chamber for receiving a cleaning fluid, the cleaning fluid chamber having a cleaning fluid chamber inlet which receives the waste material transfer hose inlet by insertion of the waste material transfer hose inlet into the cleaning fluid chamber inlet, such that when the waste material transfer hose inlet is inserted into the cleaning fluid chamber inlet, the cleaning fluid is drawn into and through the length of the waste material transfer hose and the waste material collection chamber, by the vacuum source, to clean the waste material transfer hose and the waste material collection chamber.

First, the Examiner has identified structure 104 of the Walker patent as the claimed collection chamber outlet, but structure 104 is instead a nipple connected to a vacuum port which is, in turn, connected to a vacuum conduit. *See* column 3, lines 21-25 and Figure 2 of the Walker patent. When the canister of the Walker patent is used for the collection body fluids, a vacuum conduit is connected to nipple 104 and a body fluid inflow conduit is connected to inlet tube 120. A vacuum is applied through the vacuum conduit, inducing the flow of body fluids into the canister, in which they are collected *See* column 3, lines 53-58. Thus, structure 104 is a nipple for a vacuum source (for bringing fluid into the canister), rather than a collection chamber outlet (for taking waste material out of the chamber) as claimed, and as asserted by the Examiner.

Second, the Examiner has taken the position that structure 28 is the claimed cleaning fluid chamber inlet for receiving the transfer hose inlet, but according to the disclosure of the Walker patent, that structure is an inlet to the *waste material collection chamber* having a servicing unit sprayer which receives fluid from the servicing unit to clean the interior of the canister. *See* column 4, lines 43-51 and Figure 3. Thus, contrary to the language of independent claim 1, the Walker patent does not disclose a cleaning fluid chamber having an inlet for receiving a waste material transfer hose inlet by insertion of the waste material transfer hose inlet into the cleaning fluid chamber inlet. While the Walker patent arguably discloses waste material transfer hose (inlet tube 120), a waste material collection chamber (canister 72), and a cleaning fluid chamber (reservoir 225), it does not disclose (nor suggest) a cleaning fluid chamber having an inlet structured to receive the inlet of the waste material transfer hose. Indeed, the cleaning fluid chamber of the Walker patent is located within the separate servicing unit 130 of the apparatus, which cannot even receive the canister until the inlet hose 120 (arguably, the equivalent of Applicant's waste material transfer hose) has been removed from the canister.

In addition, the final recitation of independent claim 1 requires that cleaning fluid is drawn into and through the waste material transfer hose and waste material collection chamber by the same vacuum source that initially draws the waste material from the patient through the waste material transfer hose, to clean the waste material transfer hose and the waste material collection chamber. In the Walker patent, however, a *second* vacuum source in the *servicing unit* draws cleaning fluid through the canister to clean the same. Moreover, cleaning fluid from the servicing unit of the Walker patent cannot be

drawn into the inlet tube 120 and canister 72, as claimed in independent claim 1, as the inlet tube must be removed in order for the servicing unit to receive the canister.

If the Examiner is, instead, arguing that sprayer 57 positioned within structure 28 (as shown in Figure 3 of the Walker patent) is the claimed waste material transfer hose passing into the claimed cleaning fluid chamber, then the Walker patent fails to meet the limitations of the claim, as now amended, as the sprayer is neither flexible nor has the claimed length. In addition, the sprayer could not transfer waste material from the patient to the apparatus, as claimed.

For all of the above reasons, Applicant submits that independent claim 1 is patentable over the Walker patent. Reconsideration and withdrawal of the rejection under Section 102(e) is therefore respectfully requested.

Rejection under 35 U.S.C. § 103

The Examiner has rejected claims 2-14 under Section 103(a) as being unpatentable over the Walker patent in view of U.S. Patent No. 5,914,047 to Griffiths (the Griffiths patent). Claims 2-9 depend from claim 1. Since claim 1 has been shown to be patentable, and the Griffiths patent fails to disclose the claimed subject matter not taught by the Walker patent, Applicant submits that claims 2-9 are also patentable.

Independent claim 10 is similar to claim 1 in that it calls for an apparatus for transferring, collecting and disposing of a material comprising:

a flexible material transfer hose for transferring material to the apparatus having a length, an inlet at a first end of the hose, and an outlet at a second end of the hose;

a material collection chamber having a collection chamber inlet in communication with the outlet of the material transfer hose, a collection chamber outlet, and a vacuum source opening;

a vacuum source connected to the material collection chamber at the vacuum source opening by a vacuum line to draw material into the material collection chamber through the inlet of said material transfer hose;

a disposal pump in communication with the collection chamber outlet to pump material out of the material collection chamber to dispose of material; and

a cleaning fluid chamber positioned proximate to the waste material transfer hose and the waste material collection chamber for receiving a cleaning fluid, the cleaning fluid chamber having a cleaning fluid chamber inlet which receives the material transfer hose inlet by insertion of the material transfer hose inlet into the cleaning fluid chamber inlet, such that when the material transfer hose inlet is inserted into the cleaning fluid chamber inlet, the cleaning fluid is drawn into and through the inlet of the material transfer hose, by the vacuum source, to clean the material transfer hose, material collection chamber and disposal pump.

According to the Examiner, the Walker patent discloses all of the limitations of independent claim 10, except for a discharge pump, that is disclosed by the Griffiths patent. While the Griffiths patent does appear to disclose a discharge pump for discharging waste from a collection receptacle to empty the same, neither the Walker nor Griffiths patent discloses the structures recited in claim 10, as amended, and as argued above with respect to claim 1 (*i.e.*, a cleaning fluid chamber having an inlet which receives the inlet of the flexible material transfer hose to draw fluid into and through the length of the flexible material transfer hose, material collection chamber and pump). Because neither patent discloses nor suggests all of the limitations of claim 10, as well as claims 11-14 which depend therefrom, Applicant submits that such claims are patentable.

Accordingly, reconsideration and withdrawal of the rejection under Section 103(a) is believed to be proper, and is respectfully requested.

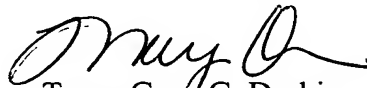
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant, therefore, respectfully requests that the Examiner reconsider all presently outstanding rejections and withdraw the same. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, Applicant encourages the Examiner to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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